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APPLICATION NO.		FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/774,784		02/09/2004	Herbert Gerner	298-220	9756
28249	7590	05/10/2006	EXAMINER		INER
		RRESE, LLP	NORMAN, MARC E		
333 EARLE OVINGTON BLVD. UNIONDALE, NY 11553				ART UNIT	PAPER NUMBER
				3744	
				DATE MAILED: 05/10/2006	

Please find below and/or attached an Office communication concerning this application or proceeding.

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	Application No.	Applicant(s)			
Office Action Summary	10/774,784	GERNER, HERBERT			
omce Action Gummary	Examiner	Art Unit			
The MAIL INC DATE of this communication and	Marc E. Norman	3744			
The MAILING DATE of this communication app Period for Reply	ears on the cover sheet with the c	orrespondence address			
A SHORTENED STATUTORY PERIOD FOR REPLY WHICHEVER IS LONGER, FROM THE MAILING DA - Extensions of time may be available under the provisions of 37 CFR 1.13 after SIX (6) MONTHS from the mailing date of this communication. - If NO period for reply is specified above, the maximum statutory period w - Failure to reply within the set or extended period for reply will, by statute, Any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b).	ATE OF THIS COMMUNICATION 36(a). In no event, however, may a reply be tirr vill apply and will expire SIX (6) MONTHS from cause the application to become ABANDONE	I. tely filed the mailing date of this communication. (35 U.S.C. § 133).			
Status					
1) Responsive to communication(s) filed on <u>20 Ap</u> 2a) This action is FINAL . 2b) This 3) Since this application is in condition for allowar closed in accordance with the practice under E	action is non-final. nce except for formal matters, pro				
Disposition of Claims					
4) ☐ Claim(s) 3-11,21,22 and 24-26 is/are pending i 4a) Of the above claim(s) is/are withdray 5) ☐ Claim(s) 8 and 11 is/are allowed. 6) ☐ Claim(s) 3-7,9,10,21,22 and 24-26 is/are reject 7) ☐ Claim(s) is/are objected to. 8) ☐ Claim(s) are subject to restriction and/or	vn from consideration.				
Application Papers	•				
9) The specification is objected to by the Examine 10) The drawing(s) filed on is/are: a) access applicant may not request that any objection to the Replacement drawing sheet(s) including the correct and the contract of the contract	epted or b) objected to by the Edrawing(s) be held in abeyance. See ion is required if the drawing(s) is obj	e 37 CFR 1.85(a). ected to. See 37 CFR 1.121(d).			
Priority under 35 U.S.C. § 119					
 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. 					
Attachment(s) 1) ☑ Notice of References Cited (PTO-892)	4) 🔲 Interview Summary	(PTO-413)			
Notice of Draftsperson's Patent Drawing Review (PTO-948) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date	Paper No(s)/Mail Da				

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DETAILED ACTION

Response to Amendment

Applicant amended the claims to incorporate subject matter indicated as allowable into presently independent claims 3 and 8. However, upon a further update search of the prior art, the Examiner has found a new reference that reads on some of the claims. Since the application was already made final based on previously presented amendments, this new Office Action is also made final. However, Applicant is given a new start date for the final rejection corresponding to the date of the present Office Action. The Examiner apologizes that the newly found reference was not found earlier in the prosecution.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 4 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As presently written, claim 4 depends from cancelled claim 1. For purposes of prosecution on the merits below, it is assumed that Applicant intended claim 4 to depend from independent claim 3.

Claim Rejections - 35 USC § 102

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The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 3, 4, 7, and 10 are rejected under 35 U.S.C. 102(a) as being anticipated by Toyoshima.

As per claims 3, 4, 7, and 10, Toyoshima discloses a refrigeration/freezer system with at least two refrigeration/freezer units (A, B1, B2), a common operating unit (a), a signal transmission component NT constituting the sole interconnection between the refrigeration/freezer units, operating unit (a) integrated into refrigeration/freezer unit A, each unit having a refrigerator and freezer unit (Figure 1), transmission cables (Figure 1), and the control units transferring refrigeration data.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

The factual inquiries set forth in *Graham* v. *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.

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2. Ascertaining the differences between the prior art and the claims at issue.

3. Resolving the level of ordinary skill in the pertinent art.

4. Considering objective evidence present in the application indicating obviousness

or nonobviousness.

Claims 5, 6, 9, and 21-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Toyoshima.

As per claim 5, Toyoshima does not specifically teach an ice maker. Official notice is

taken that these are common and obvious components of refrigeration/freezer units.

As per claim 6, Toyoshima does not teach a bus system, Official notice is taken that bus

systems are common, well-known, and obvious components of data transmission systems for the

purpose of interfacing multiple units.

As per claim 9, Toyoshima does not teach a wireless transmission component. Official

notice is taken that wireless telephone transmission lines are common and well-known, and

would have been obvious to one of ordinary skill in the art to combine within the system of

Toyoshima for the purpose of connecting the various control devices.

As per claims 21 and 24-26, see rejections above of similar claims 10 and 4-6

respectively.

As per claim 22, Toyoshima teaches each refrigeration/freezer unit having its own control

unit (a, b1, b2).

Allowable Subject Matter

Claims 8 and 11 are allowed.

Conclusion

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THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marc E. Norman whose telephone number is 571-272-4812. The examiner can normally be reached on Mon.-Fri., 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cheryl Tyler can be reached on 571-272-4834. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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MN

MARC NORMAN PRIMARY EXAMINER